

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 23, 1999**

**DIVISION TWO**

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

Each of the following:

B124868 People v. Amaya  
B128711 People v. Beaudion  
B126542 People v. Delgatto  
B123449 People v. Johnson  
B130603 People v. Jones  
B131423 People v. Acero  
B125525 People v. Fowler  
B130285 Gonzalez v. Southern California Edison  
B131506 People v. Trinh  
B127737 People v. Wilson  
B127768 People v. Roberson  
B130867 People v. Raya  
B123429 Eriksson v. Buckley  
B127211 People v. Vasquez  
B129537 In re Valerie W.  
B129862 In the Matter of Jessica A.  
B131384 In the Matter of Maria M.  
B128691 In the Matter of Jacob S.  
B132392 In the Matter of Nicholas S.  
B134997 Hunt v. S.C.L.A.  
B128693 People v. Montoya & Rivera  
B128233 People v. Hassanshahi  
B126997 People v. Law  
B127782 People v. Freeman  
B122278 People v. Lasslet  
B129719 People v. King

DIVISION TWO (Continued)

Each of the following (cont.):

B128893 People v. Harris  
B132936 People v. Joe W.  
B128756 People v. Lee  
B124701 Prysock v. Sespersen  
B129479 People v. Moseley

Argument waived, cause submitted.

B130279     People  
               v.  
               Jordan

Merits:

Argued by Dirk Judson, deputy district attorney, for appellant and by Alex Ricciardulli, deputy public defender, for respondent. Cause submitted.

B131666     People  
               v.  
               Sosa

Merits:

Argued by Alex Ricciardulli, deputy public defender, for appellant and by Juliet Schmidt, deputy attorney general, for respondent. Cause submitted.

B123069     Balsubramaniam  
               v.  
               L.A. County Department of Health Services  
               Drew University

Merits:

Argued by Patrick DeBlase for appellant and by Jeffrey Hausman for respondent L.A. County Department of Health Services, and Brandie Charles for respondent Drew University. Cause submitted.

DIVISION TWO (Continued)

B125477 People

v.

Dao et al.

Merits:

Argued by Marleigh Kopas for appellant Dao, by Thomas Ono for appellant Lam, and Roy Preminger, deputy attorney general, for respondent. Cause submitted.

B125948 Ladley

v.

Unocal Corp.

Merits:

Argued by Jeffery Daar for appellant and by Gina Calvelli for respondent. Cause submitted.

B121585 Partridge & McIntosh

v.

Scottsdale Ins. Co.

Merits:

Argued by David Pheil for appellant and by Neil Selman for respondent. Cause submitted.

B121922 Jelin

v.

Greenfield et al.

Merits:

Argued by Frederick Jelin appellant in propria persona, by Barbara Ciolino for respondent Jeffery Greenfield, by Lisa Palombo for respondent Bruce Greenfield and Thomas Taylor for respondent Merrill Lynch. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B127615     People  
              v.  
              Keel

Merits:

Argued by Christine Shaver for appellant and by Stephanie Miyoshi, deputy attorney general, for respondent. Cause submitted.

B131348     Greenfield  
              v.  
              Hashim

Merits:

Morris Stone appearing for appellant and by Jeffrey Gold appearing for respondent. Argument on the merits deferred due to bankruptcy proceedings.

B124847     People  
              v.  
              Robinson

Merits:

Argued by Sheila Keiter for appellant and by William Ballough, deputy attorney general, for respondent. Cause submitted.

B125993     People  
              v.  
              McLaurin

Merits:

Argued by Patricia Bell for appellant and by Chung Mar, deputy attorney general, for respondent. Cause submitted.

## DIVISION TWO (Continued)

B127192      People  
v.  
Barger

Merits:

Argued by Jonathan Milberg for appellant and by Thomas Hsieh, deputy attorney general, for respondent. Cause submitted.

B130665      Desai  
v.  
Quisenberry

Merits:

Argued by John Armstrong for appellant and by Alex Hardiman for respondent. Cause submitted.

B125806      Zakharia  
v.  
Zakharia

Merits:

Argued by Edward Zakharia appellant in propria persona and no appearance for respondent. Cause submitted.

B123105      Rockwell  
v.  
Lubow

Merits:

Argued by Daniel Graham for appellant and by Sandra Malek for respondent. Cause submitted.

## DIVISION TWO (Continued)

B126364 Jaffe  
v.  
The Intergroup Corp.

Merits:  
Argued by Philip Ganz for appellant and by Mark Krum for respondent.  
Cause submitted.

B121208      Styne  
v.  
Stevens

Merits:  
Argued by Deborah Dooz for appellant and by Elizabeth Chilton for respondent. Submission deferred 30 days for filing of letter briefs.

Mallano, J. (Assigned) leaves the bench.

B123071 Madjarou  
v.  
Homebase Warehouse Inc.

Merits:  
Argued by Kent Richland for appellant and by Linda Northrop for respondent. Cause submitted.

Court adjourned.

B116956 People (Not for Publication)  
v.  
Fares

The Court:

The judgment under review is affirmed.

Boren, P.J., Nott, J., Cooper, J.

DIVISION TWO (Continued)

B131654      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Lisa G.

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                 Cooper, J.

DIVISION THREE

B126750      People      (Not for Publication)  
                 v.  
                 Clyde Montgomery

The judgment is modified to reflect the trial court's order for direct restitution in the amount of \$13,065, and a parole revocation fine in the amount of \$1,000(Pen. Code, sec. 1202.45). In all other respects, the judgment is affirmed. The Superior Court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:    Croskey, J.  
                 Kitching, J.

B134969      Bonnie F.      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Kitching, J.

We concur:    Klein, P.J.  
                 Croskey, J.

### DIVISION THREE (Continued)

B128842      People                                  (Not for Publication)  
v.  
Donald Bristol

The judgment is modified to reflect a restitution fine and a parole revocation fine each in the amount of \$200. (Pen. Code, secs. 1202.4, subd. (b), 1202.45). In all other respects, the judgment is affirmed. The Superior Court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B133809      Maris B.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied. The previously ordered stay is dissolved.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B132017      Mechele T., et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The Court:

The order setting the section 366.26 hearing is reversed. The juvenile court is ordered to reschedule a contested 366.22 hearing, and provide Mother and Father proper notice of the contest. The stay is dissolved.

Klein, P.J., Croskey, J., Kitching, J.



DIVISION FIVE

B129104 Sarah Balwin et al.  
v.  
Lacec, Inc., et al.

Filed order vacating submission order of September 1, 1999. The reasons for vacating the submission are as follows. The lead justice assigned to this cause has for the better part of the last month, in his assigned role as the presiding special master, worked on matters related to Commission on Judicial Performance inquiry No. 154 with much of the time being spent in Northern California. Further, the lead justice is currently serving on jury duty in the Los Angeles Superior Court, the judicial assistant to the lead justice has for the past six weeks served as a juror in Ventura County Superior Court. The cause resubmitted effective forthwith.

B128341 Santa Clarita Organization for Planning the Environment  
v.  
City of Santa Clarita et al.

Filed order denying petition for rehearing.

B127885 People (Not for Publication)  
v.  
Reginald Williams

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.  
Godoy Perez, J.

DIVISION SIX

B128036 People (Not for Publication)  
v.  
Silva

The judgment is modified to stay the sentence for petty theft, the stay to become permanent upon Silva's completion of the remaining terms imposed. In all other respects the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B127548 People (Not for Publication)  
v.  
Gawlick

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.

B131249 People (Not for Publication)  
v.  
Valencia

The judgment is modified to reflect a \$2,000 parole revocation fine. The clerk of the superior court is ordered to prepare an amended abstract of judgment reflecting the fine and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The judgment is affirmed. The superior court is ordered to prepare an amended abstract of judgment to reflect the imposition of a \$2000 restitution fine rather than a \$200 fine and a \$50 criminal laboratory analysis fee.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B128366 People (Not for Publication)  
v.  
Brown

The orders finding the appellant had two prior convictions under Three Strikes law and sentencing him to a Three Strike life term are reversed. The cause is remanded for further proceedings to determine the truth of his prior convictions and for resentencing. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

DIVISION SEVEN (Continued)

B121849      People                                  (Not for Publication)  
v.  
Harris and Edwards

The judgment as to Harris is affirmed. It is ordered that the abstract of judgment for Harris be modified to reflect sentence on count 2 as a concurrent term in place of a consecutive term. As to Edwards, the judgment of conviction is affirmed. That portion of the judgment relating to the sentence reflecting true findings of allegations of the prior convictions and prison terms is reversed, and the cause is remanded for further proceedings in accord with the views expressed in this opinion.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B126633 People (Not for Publication)  
v.  
Venegas

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B126481      Barden      (Not for Publication)  
v.  
Barden

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

DIVISION SEVEN (Continued)

B122421      GMC Sales Corporation      (Not for Publication)  
v.  
Ehrenkranz

The judgment in favor of Ehrenkranz and the post-judgment order awarding Ehrenkranz attorney's fees are affirmed. The case is remanded for the trial court to determine and award Ehrenkranz reasonable attorney's fees in connection with this appeal. Ehrenkranz is awarded costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                     Neal, J.

B129174      Iverson, Yoakum, Papiano & Hatch      (Not for Publication)  
v.  
Berwald

The judgment is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur:   Woods, J.  
                     Neal, J.

B130845      Tony Nicole Tony Records, Inc.      (Not for Publication)  
v.  
Kiss, Simmons, and Stanley

The judgment is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur:   Woods, J.  
                     Neal, J.

DIVISION SEVEN (Continued)

B104864      People  
                 v.  
                 Rodriguez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)